


14 FEB 1984

MEMORANDUM FOR: Deputy Director of Personnel for
Special Projects

Deputy Director of Personnel for Policy,
Analysis, and Evaluations

STAT FROM:


Liaison Division
Office of Legislative Liaison

SUBJECT: Misc. Civil Service Amendments H.R.4336

REFERENCE: Memorandum to DD/PERS dtd 16 November 1984,
Subject: Alternate White Collar Pay and
Classification System

1. Attached for your information and use are copies of H.R.4336 and the record of the Senate floor debate on the bill on 9 February 1984. Of principal interest to you, I think, should be the extension of the China Lake personnel demonstration project for five additional years. The balance of the material may be of curiosity value but not of any direct import, I don't think.

2. What ever happened to the referent memo that I sent to the DD/PERS having to do with the China Lake demonstration? I would be curious to know whether or not that project might be of some value to the Agency.

STAT



Attachment:
As stated

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Distribution:

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CONGRESSIONAL RECORD — SENATE

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given to a noncitizen. The University of Iowa gave him their Distinguished Alumnus Award. He is also a member of the Explorers Club.

Mr. President, you can see from this brief recitation what a distinguished career Dr. William R. Wood has had, not only in Alaska, but also in the world. I thank my colleagues for joining me and my colleague from Alaska in passing this resolution recognizing Dr. Wood's contributions to his city, his State, and his Nation.

The Anchorage Times, on February 3, 1984, printed an editorial praising Dr. Wood's contributions to Alaska. I ask unanimous consent that the editorial be printed following these remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Anchorage Times, Feb. 3, 1984]

THANK YOU, DR. WOOD

Among Fairbanks' greatest treasures is Dr. William R. Wood, who has directed his life toward exemplary public service in the decade since his retirement as president of the University of Alaska.

Fairbanks plans a number of activities next week in Dr. Wood's honor to thank him for his enormous contributions to the betterment of the community.

Dr. Wood became president of the University of Alaska in 1960 after having been vice president of the University of Nevada. Little did Alaskans know then that he would stay around and eventually become one of the state's premier citizens.

During the 13 years of his presidency the statewide community college system was expanded, the university curriculum was enriched, the teaching staff increased, fund-raising was accelerated and a tremendous building program was completed.

Since his retirement in 1973 he has served Fairbanks as mayor and as the unpaid executive director of the Fairbanks Industrial Development Corp.

His most recent challenge has been the chairmanship of Festival Fairbanks '84, which promises to be the piece de resistance in Alaska's observance of the silver anniversary of statehood.

Highlight of the city's celebration on Jan. 3 was the reunion of members of the Alaska Statehood Committee and delegates to the Constitutional Convention. Dr. Wood conceived, planned and coordinated the event, which will live long in the memories of those who were there.

The fruits of his public service have been tasted far beyond the boundaries of Fairbanks.

When he came to the state, the university had a campus at Fairbanks and four community colleges. During his tenure, campuses were developed in Anchorage and Juneau and the number of community colleges grew to eight. The Wood era also saw the establishment of several research facilities, which bring credit and benefit to the whole state.

Alaskans all over the state can join Fairbanks in a big "thank you" to Dr. Wood.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RELIEF OF WILLIAM D. BENONI

The bill (H.R. 1557) for the relief of William D. Benoni, was considered, ordered to a third reading, read the third time, and passed.

BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER TO PLACE H.R. 1750 ON THE CALENDAR

Mr. BAKER. Mr. President, I have a request now with respect to the discharge of a bill from the Judiciary Committee. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 1750, a bill for the release of Po Namyu Polama, and others, and I ask that the bill be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

MISCELLANEOUS AMENDMENTS TO THE CIVIL SERVICE LAWS—H.R. 4336

Mr. BAKER. Mr. President, I would say next to the minority leader I am prepared to ask the Senate to turn to the consideration of H.R. 4336.

Mr. BYRD. Mr. President, I have no objection.

Mr. BAKER. Mr. President, I thank the minority leader. I ask the Chair to lay before the Senate H.R. 4336, the civil service amendments bill.

The PRESIDING OFFICER. The bill will be stated by title.

The bill clerk read as follows:

A bill (H.R. 4336) to make certain miscellaneous changes in laws relating to the civil service.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

The Senate proceeded to consider the bill.

Mr. STEVENS. Mr. President, H.R. 4336 makes miscellaneous amendments to the civil service laws. It is necessary to take this bill up at this time primarily because of the urgency involved with section 6 and section 7 of the bill, concerning respectively, the President's Commission on Executive Exchange and the Department of the Navy personnel demonstration project at China Lake and San Diego, Calif. Both the Commission's executive exchange and the Navy's demonstration project are highly innovative Federal programs which deserve our continued support. The Commission's authorization to utilize an Office of Personnel Management revolving loan fund expired on December 31, 1983, and this legislation reauthorizes the use of that fund. The Navy's authorization to continue operation of the demonstration project expires in June 1985, and this legislation would extend

that authorization until September 30, 1990.

Additionally, I have three amendments which I am offering at this time. First, section 5 dealing with the Vacancies Act would be deleted because it makes substantive changes to existing law which need to be studied further. My second amendment would allow the President's Commission on Executive Exchange to continue to use an Office of Personnel Management revolving loan fund instead of establishing a new fund in the Treasury. Finally, amendment 3 would lift the 5,000-individual ceiling on the Navy's demonstration project because this cap has been reached and the Navy would like to add, initially, approximately 750 individuals.

Section 2 allows a retired administrative law judge to be reappointed for a specified period or for the period which may be necessary for the judge to conduct and complete the hearing and disposition of one or more specified cases. In supporting this provision, the Office of Personnel Management said it would be useful because agencies sometimes experience unexpected retirements and/or temporary increases in ALJ workload and could make effective use of retired administrative law judges in those cases. I agree.

Section 3 designates the chairman of the Federal Labor Relations Authority to be the chief executive officer of the Authority. This section is identical to S. 1664, ordered reported from the Government Affairs Committee on November 17, 1983. It would eliminate the ambiguity as to who has responsibility and authority for the management of internal administrative matters in the Authority.

This designation would insure that one individual is responsible and accountable for the sound management of the Authority. Accountability would be established for matters such as personnel management, fiscal management, general administrative support services, property management, procurement and contracts, and personnel property and document security, and management analysis and program evaluation. With the chairman functioning as head of the Authority for the management of internal administrative matters, the agency would have a single individual to look to for leadership and direction. The empowering of the chairman with this authority is not intended to diminish the powers and duties of the other members in matters relating to cases before them as prescribed in section 7105 of title 4, United States Code.

Section 4 clarifies the time period within which an exception to an arbitration award must be filed. This section defines the period that an arbitration award will be final and binding to be 30 days beginning on the date the award is served. Current law provides that the 30-day period for filing an ex-

ception runs from the date which is written on the award.

Section 5 amends the Vacancies Act which provides for the filling of a vacancy if an agency head or officer dies, resigns, or is sick or absent. In such a case, the first assistant would perform the duties until a successor is appointed or the absence or sickness stops, unless the President designates another individual to perform those duties. Under current law, a vacancy caused by death or resignation may be filled temporarily for not more than 30 days.

H.R. 4336 would make well intentioned changes to this act. However, on the basis of discussions with the House, OMB, the Federal Labor Relations Authority, and the Justice Department, I have an amendment to strike all of section 5 from the bill because these proposed changes to the Vacancies Act are substantive and require more study before they should be taken up by the full Senate.

Section 6 affects the President's Commission on Executive Exchange by defining training as including the private sector assignment of an employee in the executive exchange program meaning that employees would have to sign a service agreement prior to participating in the training. The service agreement must provide that the employee will remain in the service of the agency at the end of the training for a period of time equal to three times the length of the training and that the employee will pay the Government the cost of the training if they leave before the end of this period. The payment can be waived under certain circumstances. Additionally, section 6 permanently reestablishes a revolving fund for the executive exchange program in the Treasury of the United States.

I have an amendment to this section, requested by the President's Commission on Executive Exchange, which would allow the program to continue to use the OPM revolving fund instead of establishing a new fund in the Treasury.

Section 7 provides the authority for the Department of Navy to continue operation until September 30, 1990, of the personnel demonstration project at the Naval Weapons Center, China Lake, Calif. and the Naval Ocean Systems Center, San Diego, Calif.

I have a final amendment, requested by the Department of the Navy, which would lift the 5,000-individual ceiling currently imposed by section 4703(d)(1)(A), of title 5, United States Code.

AMENDMENT NO. 2708

(Purpose: to delete the matter relating to detail authority to fill certain vacancies; to remove the limitation on the number of individuals who may be included in the demonstration project authorized to be continued by the Department of the Navy, and to reauthorize the President's Commission on Executive Exchange to use the revolving fund which such commission was authorized to use before December 31, 1983)

Mr. BAKER. Mr. President, next I have three amendments I offer on behalf of the distinguished Senator from Alaska (Mr. STEVENS) and I ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be stated.

The bill clerk read as follows:

The Senator from Tennessee (Mr. BAKER), for Mr. STEVENS, proposes an amendment numbered 2708.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 4, beginning with line 1, strike out all through page 5, line 23, and redesignate the succeeding sections accordingly.

On page 7, line 9, strike out "implementation" and insert in lieu thereof "operation".

On page 7, line 11, strike out "and currently in operation".

On page 7, line 14, strike out "4703(d)(1)(B)" and insert in lieu thereof "4703(d)(1)".

On page 6, line 16, beginning with "There" strike out all through "which" on line 17, and insert in lieu thereof "The revolving fund referred to in section 1304(e)(1) of this title".

Mr. BINGAMAN. Mr. President; H.R. 4336, the "Civil Service Miscellaneous Amendments Act of 1983," was passed by the House of Representatives on November 16, 1983. This bill makes several necessary changes in existing Federal personnel law.

While all sections of this bill are important, I would like to highlight section 3 which makes the Chairman of the Federal Labor Relations Authority (FLRA) the chief executive and administrative officer of the Authority. This provision is needed to clarify the confusion which has existed since the creation of the FLRA in 1979.

The enabling legislation, the Civil Service Reform Act of 1978, does not indicate the relationship of the Chairman to the other two members of the Authority. As a result, the role of the Chairman particularly with respect to administrative authority in the agency is undefined. This lack of further description has contributed to certain administrative problems at the FLRA. While the three members and the General Counsel agreed by signed memorandum on May 20, 1982, to delegate to the Chairman "responsibility and authority for the management of internal administrative matters," there is a need to establish in law that

the Chairman is the chief executive and administrative officer of the Authority. In carrying out this responsibility the Chairman has authority for the management of internal administrative matters, which include procurement, fiscal management, personnel management, and office services. This bill fulfills this need while in no way diminishing the authority of the other two members to carry out their case decision making statutory responsibilities under 5 U.S.C. 7105.

Any attempt to invest the Chairman with responsibilities other than for the management of internal administrative functions would create a problem for the members in carrying out their statutory responsibilities. Strong staff support is necessary in order to carry out the case decisionmaking process.

Since its creation, the FLRA has had a single unitary staff which provides equal support with equal responsiveness to each member of the Authority. Any disruption of this setup would have extreme consequences in fulfilling the statutory responsibility of the Authority.

If the performance of statutory responsibilities is hindered by the establishment of a single unitary staff, consideration should be given to reorganizing the staff so that each member would have his or her own legal staff. This would insure independence and foster competition.

However, the purpose of this section is to insure that the Chairman is the chief executive officer of the Authority while, at the same time, preserving equality and independence for each of the three Authority members in the performance of their statutory responsibilities.

I urge my colleagues to approve H.R. 4336 as amended.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2708) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (H.R. 4336) As amended, was passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.